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COMMUNICATION FROM THE ATTORNEY GENERAL.

CONFEDERATE STATES OF AMERICA, }
Department of Justice, }
Richmond, March 13, 1863. }

To the Speaker of the House of Representatives :

SIR : I have the honor to inclose my reports to Congress upon certain claims which have been filed in this Department, under act of the Provisional Congress, No. 264, approved 30th August, 1861. The reports are numbered, respectively, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. Duplicates are sent to the Senate.

Your obedient servant,

T. H. WATTS,
Attorney General.

(No. 1.)

DEPARTMENT OF JUSTICE, }
Richmond, Va., February 23, 1863. }

To the Congress of the Confederate States of America :

The claim of William Gregory is for damages done to his land by the erection of fortifications thereon, by orders of Confederate General. A board of survey appointed by General S. T. Pettegrew report the damage at six hundred and fifty dollars (\$650). Five hundred dollars (\$500) of this damage is alleged to be *consequential*. How this damage arose is not explained by the report or by other evidence before me. I do not think such allowance is allowable. In such a case as this such damage would not be allowed in a suit between individuals, and I see no reason why the Government should have applied to it a different rule. I think the other damage should be paid. I allow in this account one hundred and fifty dollars (\$150.)

T. H. WATTS,
Attorney General.

(No. 2.)

DEPARTMENT OF JUSTICE, }
February 23, 1863. }

CLAIM OF HORACE MITCHELL.

To the Congress of the Confederate States of America :

It is shown that the negro slave, "Monk," was impressed by order of General Magruder, to do work on the fortifications in the Peninsula. While there engaged the negro left, and the presumption is created that he went to the Yankees. It is not, however, made clear that this is so.

At the time this negro was taken by order of the Government, there was no legal authority to take private property for public use. The officer who took the negro, therefore, committed a trespass on the rights of the owner, notwithstanding such officer acted in obedience to orders received from the General commanding the Department. The Government could not give any legal authority to seize such property in the absence of congressional authority. None such existed. But the Government, in such cases, ought to protect its officers acting in obedience to orders, especially, when the thing used was for the benefit of the Government.

The Government, for the purpose of this argument, must be supposed to have committed the trespass on the property. The act shows a *conversion* of the negro, and the Government is responsible for his safe return to the owner. Even in the case of *hiring* of such property, it would be the duty of the bailee to return the property at the expiration of the term of hiring—if not returned the only excuse which would prevent liability for the failure to return would be death, unmixed with neglect on the part of the hiring bailee. Certainly less stringency should not be applied when the property was seized without the consent of the owner, and placed in the public works. The owner, if the case was between individuals, might regard the original taking as a conversion, and might maintain trover for the value of the property thus taken. I think the owner of the negro "Monk," should not be placed in a worse situation, because the claim is against the Government for the damage. The Government cannot be sued without its consent, and, for this reason, ought the more readily do justice to its citizens. Besides this, the order issued from the Adjutant General's office, pledges the Government to pay for negroes so seized, if they escape to the enemy. I think the claim should be allowed at fifteen hundred dollars.

T. H. WATTS,
Attorney General.

(No. 3.)

DEPARTMENT OF JUSTICE, }
February 25, 1862. }

Claim of fifteen hundred dollars for slave named Cooper, killed by bursting of a gun.

To the Congress of the Confederate States of America :

CLAIM OF MRS. F. G. BALDWIN.

The proof shows that the negro came to his death by the bursting of a cannon, on which experiments were making near Columbus, Miss. The negro was at his proper place of business at the time of the commencement of the experiments, and took all prudent precautions to avoid danger.

The authorities of the Confederate States were neglectful in making the experiments at such a place. The owner of the property should not suffer the loss which thus accrued, by the defective construction of ordnance of the Confederate States. I think the claim ought to be allowed.

T. H. WATTS,
Attorney General.

(No. 4.)

CONFEDERATE STATES OF AMERICA,
Department of Justice, }
 Richmond, March 7, 1863. }

To the Congress of the Confederate States of America.

Frederick W. Power makes claim for damages done by Confederate States Troops whilst in the occupation of his farm, in the County of York, and State of Virginia. The items are:

1. Sixty acres of land in wheat which would have yielded seven hundred and twenty bushels at \$1.25 per bushel,	\$900 00
2. Seventy-five acres in corn at an average of four barrels per acre, at \$3 per barrel,	900 00
3. Ten acres in oats, at fifteen bushels per acre, at 50 cents per bushel,	75 00
4. Twenty acres in clover, valued at,	200 00
5. Five hundred peach trees, valued at,	125 00
6. Sixteen hundred and fifty panels of chesnut fence,	1,650 00
7. Loss of hogs and cattle.	550 00
8. Injury to farm by erection of fortifications,	500 00
9. Injury to houses on farm,	850 00
	\$5,750 00

After assessment of damages, as stated above, had been made by persons solicited on the part of the government and the claimant, and had been approved by Major Gen. J. B. Magruder, the overseer's house, the negro quarters, the smoke house, corn house and kitchen, on the farm, and the smoke house, stable and blacksmith shop in Yorktown were torn down: the farm houses for materials with which to build winter quarters for our troops, and the houses in town as a protection to our troops; and the damage thus done is estimated at twenty-one hundred dollars, \$2,100 00

In the present state of the account, and of the evidence, it is clear, that the charge for "injury to houses on farm," \$850, should be stricken out as it is inconsistent with the subsequent charge for the whole value of the houses. The other items are as well sustained as a case can be by general and *ex parte* testimony, and I allow the account after deducting the eight hundred and fifty dollars. The amount allowed is, therefore, seven thousand dollars, \$7000 00

T. H. WATTS,
Attorney General.

(No. 5.)

CONFEDERATE STATES OF AMERICA, }
Department of Justice, }
 Richmond, March 9, 1863. }

To the Congress of the Confederate States:

John G. Jefferson, a citizen of Amelia county, Va., has filed in this department a claim for sixteen hundred and six dollars. The

items are as follows, and the venue, his farm in Greenbrier county, Virginia.

1. To 45 acres of corn, 22 bushels per acre, 990 bushels, at 50 cents. per bushel,	\$495 00
2. 5 acres of buckwheat, 30 bushels per acre,	75 00
3. 800 acres of oats in the sheaf at 30 cents,	240 00
4. 2 hay stacks, \$7.50 each,	15 00
5. Corn fodder of 45 acres,	100 00
6. 10 bushels of potatoes 50 cents,	5 00
7. 9 "head of hogs," \$6 per head,	54 00
8. 5 " " " \$2.50,	12 50
9. 3 " " " \$1.50,	4 50
10. 2 beef cattle contracted for and unpaid, \$35 each,	70 00
11. Pasture of one hundred acres,	150 00
12. 5 axes and helves,	5 00
13. 600 pannels of plank fence at 50 cents. a pannel,	300 00
14. 3400 feet plank at saw mill,	40 00
15. Damage done rail fencing,	40 00
	\$1,606 00

The assessment was made by a citizen chosen on the part of claimant, and of one Mr. Callison, (who, according to the statement of Jefferson, had an interest in the profits,) and by an officer of the Wise Legion.

The case is clearly made out, unless the assessment be rejected; but as I see no reason for such rejection, I allow the whole account. I may remark, however, that it does not appear why the tenth item, "two beef cattle contracted for and unpaid, \$35 each," cannot be paid in the usual way; but as the amount is a small one, and there may be, and probably is, some good reason why it cannot be, I have thought it best not to exclude it.

T. H. WATTS,
Attorney General.

(No. 6.)

CONFEDERATE STATES OF AMERICA,
Department of Justice, }
Richmond, March 9, 1863. }

To the Congress of the Confederate States of America:

Elisha Hundley, of Charlotte Courthouse, in the State of Virginia, has filed his claim in this department for thirteen hundred and fifty-five dollars. It appears from the testimony filed with the claim, that a slave named Robert belonging to said Hundley was impressed by an agent of the government, and whilst being transported to Rich-

mond, on the Richmond and Danville Railroad, was killed by the cars running off the track. It further appears that the slave was worth thirteen hundred and fifty dollars, and that his owner paid five dollars for his burial expenses. The agent of the government being a mere trespasser in taking the negro without the owners consent, should pay him the value, and also the amount of necessary burial expenses. I have therefore to report that his claim for thirteen hundred and fifty-five dollars is sustained by the evidence, and is allowed. I may add that the liability of the railroad to pay for the damage done is a question apart from the liability of the government to the owner.

T. H. WATTS,
Attorney General.

(No. 7.)

CONFEDERATE STATES OF AMERICA, }
Department of Justice. }
 Richmond, March 10, 1863. }

To the Congress of the Confederate States:

JOHN BURNAM, OF BOWLING GREEN, KENTUCKY.

This is a claim for damage to land situated near Bowling Green, Ky. The damage was done by the troops under General Hardee's command, about the first of February, 1862. The testimony filed with the claim sustains it to the extent of one thousand dollars. The survey of the damage was made by officers appointed for that purpose. The return of these officers has been lost. The proof accounts for the loss, and establishes that the damage was between one thousand and fourteen hundred dollars. On the principle stated in letter to Secretary of War, Oct. 17, 1862, on such claims, I think the government responsible for the damage done. As it was the duty of the party claiming to show the amount of damage, and he shows it to be between one thousand and fourteen hundred dollars, but not showing precisely what amount, only *one thousand* can be allowed.

T. H. WATTS,
Attorney General.

(No. 9.)

CONFEDERATE STATES OF AMERICA, }
Department of Justice, }
 Richmond, Va., March 10, 1863. }

CLAIM OF W. S. COWARDIN.

This is a claim for cutting down a grove of about eight acres, near the city of Richmond, by order of Colonel Rhett, commanding Rich-

mond defences. The claim is well sustained by the evidence, which shows that the claimant should be paid twelve hundred and fifty dollars (\$1,250,) and I allow his claim, therefore, for that amount.

T. H. WATTS,
Attorney General.

(No. 10.)

CONFEDERATE STATES OF AMERICA, }
Department of Justice. }
Richmond, March 13, 1863. }

To the Congress of the Confederate States:

The estate of Richard Rawlings, deceased; claims twelve hundred dollars for damages done to two buildings belonging thereto, by the cavalry under command of Colonel T. L. Rosser. The claim is established by the witnesses, and is approved by Colonel Rosser; and I allow it.

T. H. WATTS,
Attorney General.

(No. 11.)

CONFEDERATE STATES OF AMERICA, }
Department of Justice, }
Richmond, March 11, 1863. }

To the Congress of the Confederate States:

William R. Ashton, of Henrico county, Va., claims as trustee for his wife, Isabella Ashton, forty-five hundred and fifty-five dollars and fifty centy, (\$4,555 50,) for damages done by Confederate States' troops, whilst in the occupancy of a farm on the Mechanicsville road, about four miles from Richmond; held and owned by said Ashton as trustee, as aforesaid. The account is a long one and includes almost every item that could originate in the occupation and waste of a small farm, used for the making of supplies for a city market. The testimony offered by the claimant establishes the claim which is made; as may indeed be the case in every *ex parte* case. Neither the character nor judgment of the witnesses is known to me, and my opinion is that if claims like this one are paid, without the investigation which only a court can give, no system of finance will ever be able to meet the demands upon the treasury.

I am induced to make these remarks by the amount paid to the claimant by Captain Morris, A. Q. M., after the claim was filed in this department. The account filed in this department claims for the use of "seven acres first crop clover, at fifty dollars per acre, three

hundred and fifty dollars." "Crop of clover and second crop, one hundred dollars, (\$100.)" In the account paid by the assistant quartermaster, the item is found, "to seven acres of clover taken and used by the Confederate States army, twenty dollars per acre, one hundred and forty dollars." Of the three other items paid for by the assistant quartermaster, two of them agree with the amounts charged in the account filed in this department by the claimant, viz: "To one and a half stacks of old straw taken and used by the Confederate States' army, for twenty dollars;" and to farm fencing, and yard and garden enclosure taken and used as fire wood, by Confederate States' army, eight hundred and seventy-five panels at one dollar per panel, eight hundred and seventy-five dollars. The other item in the account as paid, is, "to ten acres of wheat taken and used by the Confederate States' army, at twenty dollars per acre, two hundred dollars;" whilst in the account filed in this department it is, "crop of ten acres wheat, three hundred dollars, (\$300.)" The amount paid by the assistant quartermaster, twelve hundred and thirty-five dollars, being deducted from the amount originally claimed, viz: Five thousand seven hundred and ninety dollars and fifty cents, (\$5,790 50,) leaves amount now claimed, viz: Four thousand five hundred and fifty-five dollars and fifty cents, (\$4,555 50). I feel constrained to advise that this claim be not allowed, and that the party be left to the Court of Claims when established.

T. H. WATTS,
Attorney General.

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